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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3562 OF 2006

Sudam Bhimrao Shegar .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.Kuldip Patil for applicant

Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 10th October 2006

P.C.

. Applicant is arrested by Murgud Police Station, Kolhapur Dist. in connection with C.R.No.21 of 2006. He is under arrest from 15th

April 2006 for offences punishable under section 498-A and 306 I.P.C.

2. It is true that the complainant is the brother of the deceased Anjana wife of present applicant. Complainant as well as the applicant are Bahurupis i.e. persons carrying on street shows in rural areas. They travel from district to district for earning their source of livelihood. It is alleged that the applicant had been ill-treating the deceased by suspecting her character. There is a complaint of harassment and ill-treatment which ultimately, was sorted out before the Women Grivances Cell where the applicant undertook not to harass sister of the complainant and that is how she returned back to applicant and started living with him. On 22nd March 2006, the applicant has been travelling so also the complainant. They came to a place called Kagal in Kolhapur Dist. It is alleged that complainant heard some shouts as also the abuses. Complainant alleges that the applicant

was beating the deceased. However, next day morning her body was discovered in Canal. Complaint has been lodged thereafter. Applicant had applied for bail before the trial court after investigations were completed and the application has been dismissed on the ground that the applicant would tamper with the witnesses and may abscond as he is Bahurupi having no permanent residence. Last time this was matter was adjourned to enable prosecution to take instructions. Mr.Pednekar, A.P.P. states that the applicant has given address of his residence in Osmanabad Dist. but since he is travelling, it would not be proper to enlarge him on bail. Considering the charge so also the fact that he would go and threaten the family of complainant, he makes a statement that the application should be rejected.

3. Having perused the order passed by the trial court and considering the fact that the application has been rejected only because of the

reason that applicant has no permanent residence, I enquired from Mr.Patil for applicant, who after obtaining instructions, makes a statement that the applicant is residing at the address mentioned in the cause title but it is true that he is travelling on account of street shows. However, he submits that the applicant comes from a poor family and would abide by such conditions as are imposed by this Court.

4. Hence, following order:-

i) The applicant arrested in connection with C.R.No.21 of 2006 registered with Murgud Police Station shall be enlarged in the sum of Rs.5000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will remain present before the concerned

investigating officer, Murgud Police Station once a fortnight till conclusion of the trial.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)